

06-11-04

1761

EXPRESS MAIL NO. EV347011375US

1761



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Barbara Westfield
Application No. : 09/551,973
Filed : April 14, 2000
For : BAKING RACK ASSEMBLY AND METHOD FOR AUTOMATIC BREAD MAKING MACHINE

Examiner : Drew E. Becker
Art Unit : 1761
Docket No. : 830053.410
Date : June 10, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
(MPEP 711.03(c) II and 37 CFR § 1.181)

Commissioner for Patents:

The above-identified application was abandoned for failure to timely and properly reply to a Notice of Allowance mailed December 31, 2003, as shown in the U.S. Patent and Trademark Office PAIR database.

Applicant failed to respond because the original Notice of Allowance and Issue Fee Due was never received. A search of the file jacket and docket records indicates that the Office Action was not received. Applicant hereby provides the following statement of facts in support of applicant's request to reinstate the application.

The following are the procedures at Seed Intellectual Property Law Group PLLC for processing mail and docketing USPTO due dates:

- a. Mail is received in the office; all USPTO correspondence is sent directly to the docketing department;
- b. Docketing personnel make an independent review of the documents and produce an independent calculation of due dates (without the use of a computer);

- c. Docketing personnel enter the base date (date mailed from USPTO) into our Computer Packages Inc. (CPI) database and select the appropriate template from the CPI system with the required date calculations programmed for each template;
- d. Docketing personnel compare the independent calculation date with the CPI-generated date for accuracy;
- e. Docketing personnel forward a copy of the "print screen" with all due dates listed, along with the USPTO correspondence, to the assigned legal assistant;
- f. The legal assistant reviews the docketing department's due date and enters the Office Action onto the legal assistant's desk calendar; and
- g. The legal assistant enters the USPTO correspondence into the appropriate file and updates the file index, listing the date the correspondence was mailed from the USPTO and the date a response is due.

Enclosed are copies of records from our docketing department showing all actions/reminders for US matters entered into CPI with a base date of December 31, 2003, as well as a copy of records showing all actions for US matters with a due date of March 31, 2004, the due date for payment of the Issue Fee in the present application. We have redacted the serial numbers and filing dates of the various matters in the attached docket reports. This was done in the interest of protecting client confidentiality, and in accord with the requirements of the U.S. Patent Office's own ethical canons. We identify our matters by an attorney docket number. The subject application (U.S. Patent Application No. 09/551,973) is identified by attorney docket number 830053.410, as indicated in our previous correspondence with the Patent Office. This number does not appear on the docket reports for the days in question.

After a thorough review of our docketing department's records, the legal assistant's desk calendar, the file, and the file index, I believe that the Notice of Allowance mailed December 31, 2003, was not received in our office at any time.

In addition, in reviewing the present application's Image File Wrapper in the U.S. Patent Office's PAIR database, we note that there are two entries for a Notice of Allowance on

December 31, 2003. One of the entries contains three pages, namely, a Notice of Allowance, Form PTOL-85, and a Determination of Patent Term Adjustment. These three pages, however, relate to a different patent application. They also list the mailing address of a different law firm, namely, Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

The second entry on December 31, 2003 in PAIR, contains three pages relevant to the present application. One of those pages is a Notice of Allowability, and the other two pages are the Examiner's Amendment and comments. These three pages, however, do not contain any indication of where they were sent, and the undersigned presumes that they were sent to the wrong law firm as noted above.

As applicant never received the Notice of Allowance, it is respectfully requested that the application be reinstated. Applicant also respectfully requests that a new and correct Notice of Allowance be generated and sent to applicant, giving the applicant a new deadline to pay the issue fee.

Applicant believes that no fee is due by way of this Petition; however, the Director is authorized to charge any fees that may be due to our Deposit Account No. 19-1090.

If questions remain, the commissioner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



Lorraine Linford
Registration No. 35,939

Enclosures:

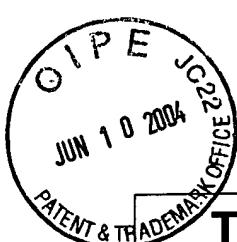
Postcard

CPI docketing records with a base date of December 31, 2003

CPI docketing records with a due date of March 31, 2004

PAIR printouts (7 pages)

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031



EXPRESS MAIL NO. EV347011375US

TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

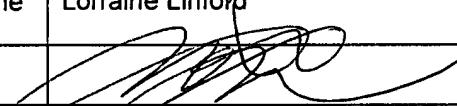
Application Number	09/551,973
Filing Date	April 14, 2000
First Named Inventor	Barbara Westfield
Art Unit	1761
Examiner Name	Drew E. Becker
Attorney Docket No.	830053.410

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (with attachments) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>CPI docketing records with a base date of December 31, 2003</u> <u>CPI docketing records with a due date of March 31, 2004</u> <u>PAIR printouts (7 pages)</u>
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

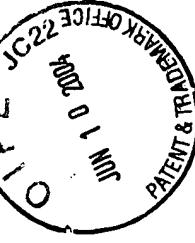
Individual Name	Lorraine Linford	Customer Number
Signature		
Date	June 10, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	***SENT VIA EXPRESS MAIL***
Signature	Date:

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



CaseNumber	ApplicationStatus	AppNumber	FileDate	ActionType	ActionDue	BaseDate	DueDate
110088-454	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	2 month + mailing/Response due	12/31/2003	2/29/2004
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110088-454	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	2nd Extension/Month 4 of 6	12/31/2003	4/30/2004
110088-454	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	3rd Extension/Month 5 of 6	12/31/2003	5/31/2004
110088-454	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	Reported to client?	12/31/2003	1/31/2004
110088-454	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	Final Deadline	12/31/2003	6/30/2004
110177-401C1	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	2nd Extension/Month 4 of 6	12/31/2003	4/30/2004
110177-401C1	Pending	[REDACTED]	[REDACTED]	US-2 month + mailing Missing Parts	Final Deadline	12/31/2003	6/30/2004

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120137-476	Pending	[REDACTED]	Foreign Filing	Foreign Filing Reminder	12/31/2003	6/30/2004
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120137-476	Pending	[REDACTED]	Information Disclosure Stmt	1 mo adv/Information Disclosure Stmt	12/31/2003	2/29/2004

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			US-Allowance	Fee Due in 1 Month	12/31/2003	2/29/2004
854063-691	Allowed					
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854063-691	Allowed		US-Exam Amendment OK?	1 month advance	12/31/2003	2/29/2004
854063-691	Allowed		US-Exam Amendment OK?	Reported to Client?	12/31/2003	1/31/2004
854063-691	Allowed		US-Exam Amendment OK?	Inextensible w/o Petition	12/31/2003	3/31/2004
854063-691	Allowed		US-Allowance	Issue Fee Due	12/31/2003	3/31/2004
854063-699	Granted		US-Allowance	Fee Due in 2 Months	12/31/2003	1/31/2004
854063-699	Granted		US-Allowance	Fee Due in 1 Month	12/31/2003	2/29/2004

			US-Allowance	Issue Fee Due	12/31/2003	3/31/2004
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856063-579	Pending		US-3 Month Office Action	Month 3 of 6 due date	12/31/2003	3/31/2004
856063-579	Pending		US-3 Month Office Action	1st Extension/Month 4 of 6	12/31/2003	4/30/2004
856063-694	Allowed		US-Final Office Action	Final Rejection/6 Month Final Date	12/31/2003	6/30/2004
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856063-694	Allowed	[REDACTED] US-Final Office Action	Final Rejection/Month 2 of 6	12/31/2003	2/29/2004
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856063-694	Allowed	[REDACTED] US-Final Office Action	Final Rejection/1st Extension/Month 4 of 6	12/31/2003	4/30/2004
856063-694	Allowed	[REDACTED] US-Final Office Action	Final Rejection/2nd Extension/Month 5 of 6	12/31/2003	5/31/2004
856063-694	Allowed	[REDACTED] US - Notice of Appeal	File Notice of Appeal (Docket Appeal Brief)	12/31/2003	6/30/2004
859063-521	Abandoned	[REDACTED] US-Final Office Action	Final Rejection/Reported to client?	12/31/2003	1/31/2004
859063-521	Abandoned	[REDACTED] US - Notice of Appeal	File Notice of Appeal (Docket Appeal Brief)	12/31/2003	6/30/2004
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CaseNumber	ApplicationStatus	AppNumber	FileDate	ActionType	ActionDue	BaseDate	DueDate
110088-409C1	Granted			Tax - Grace Period	Tax Year 12 - Grace Period	3/31/1992	3/31/2004
110088-454	Pending			US-2 month + mailing Missing Parts	1st Extension/Month 3 of 6	12/31/2003	3/31/2004
110129-420C3	Published			US-3 Month Office Action	2nd Extension/Month 5 of 6	10/31/2003	3/31/2004
110177-401C1	Pending			US-2 month + mailing Missing Parts	1st Extension/Month 3 of 6	12/31/2003	3/31/2004
120137-476	Pending			Information Disclosure Stmt	Information Disclosure Stmt	12/31/2003	3/31/2004
130209-430C1	Published			US-1 month Restriction	Reported to client?	3/10/2004	3/31/2004
130209-522P1	Pending			POTENTIAL Bar Date	Potential Bar Date	3/31/2004	3/31/2004
150026-455	Granted			Tax - Grace Period	Tax Year 12 - Grace Period	3/31/1992	3/31/2004

		Published	Bar Date - Foreign Filings	File (additional) Foreigns?	3/31/2003	3/31/2004
200125-410C1						
260042-517	Pending		Foreign Filing	Foreign Filing Due	3/31/2003	3/31/2004
260042-517	Pending			Rescind Non-Publication Request	3/31/2003	3/31/2004
300033-401	Granted		1 month advance/Tax 3.5	1 month advance/Tax 3.5	10/31/2000	3/31/2004
390003-611	Transfer		Tax - Grace Period	Tax Year 12 - Grace Period	3/31/1992	3/31/2004
480048-460	Pending		Foreign Filing	Foreign Filing Due	3/31/2003	3/31/2004
640047-404	Abandoned			Tax - Grace Period	Tax Year 12 - Grace Period	3/31/1992
660023-10353	Transfer		Foreign Filing	1 month advance/Foreign Filing Due	10/31/2003	3/31/2004

660023-10354	Transfer	[REDACTED]	Foreign Filing	1 month advance/Foreign Filing Due	10/31/2003	3/31/2004
660023-10355	Transfer	[REDACTED]	Foreign Filing	1 month advance/Foreign Filing Due	10/31/2003	3/31/2004
660023-10356	Transfer	[REDACTED]	Foreign Filing	1 month advance/Foreign Filing Due	10/31/2003	3/31/2004
660023-10357	Transfer	[REDACTED]	Foreign Filing	1 month advance/Foreign Filing Due	10/31/2003	3/31/2004
660023-10358	Transfer	[REDACTED]	Foreign Filing	1 month advance/Foreign Filing Due	10/31/2003	3/31/2004
690068-405C4	Published	[REDACTED]	US-1 month Restriction	Reported to client?	3/10/2004	3/31/2004
700117-401USPC	Pending	[REDACTED]	US-2 Month Office Action	3rd Extension/Month 5 of 6	10/31/2003	3/31/2004
720004-906	Pending	[REDACTED]	US-2 month + mailing Missing Parts	1st Extension/Month 3 of 6	12/31/2003	3/31/2004

720004-907	Pending	[REDACTED]	US-2 month + mailing Missing Parts	1st Extension/Month 3 of 6	12/31/2003	3/31/2004
720004-910	Pending	[REDACTED]	US-2 month + mailing Missing Parts	1st Extension/Month 3 of 6	12/31/2003	3/31/2004
720004-911	Pending	[REDACTED]	US-2 month + mailing Missing Parts	1st Extension/Month 3 of 6	12/31/2003	3/31/2004
780004-406	Transfer	[REDACTED]	US-1 month Restriction	Reported to client?	3/10/2004	3/31/2004
851963-411	Pending	[REDACTED]	US-2 month + mailing Missing Parts	3rd Extension/Month 5 of 6	10/31/2003	3/31/2004
851963-412	Pending	[REDACTED]	US-2 month + mailing Missing Parts	3rd Extension/Month 5 of 6	10/31/2003	3/31/2004
851963-417	Pending	[REDACTED]	Bar Date - File Application from Foreign Priority	File US Application!	3/31/2003	3/31/2004
852463-404	Pending	[REDACTED]	US-2 month + mailing Missing Parts	1st Extension/Month 3 of 6	12/31/2003	3/31/2004

853063-476	Pending	[REDACTED]	[REDACTED] US-Final Office Action	Final Rejection/Month 3 of 6	12/31/2003	3/31/2004
854063-507	Pending	[REDACTED]	[REDACTED] US-3 Month Office Action	Month 3 of 6 due date	12/31/2003	3/31/2004
854063-691	Allowed	[REDACTED]	[REDACTED] US-Exam Amendment OK?	Inextensible w/o Petition	12/31/2003	3/31/2004
854063-691	Allowed	[REDACTED]	[REDACTED] US-Allowance	Issue Fee Due	12/31/2003	3/31/2004
854063-699	Granted	[REDACTED]	[REDACTED] US-Allowance	Issue Fee Due	12/31/2003	3/31/2004
856063-579	Pending	[REDACTED]	[REDACTED] US-3 Month Office Action	Month 3 of 6 due date	12/31/2003	3/31/2004
856063-694	Allowed	[REDACTED]	[REDACTED] US-Final Office Action	Final Rejection/Month 3 of 6	12/31/2003	3/31/2004
859063-521	Abandoned	[REDACTED]	[REDACTED] US-Final Office Action	Final Rejection/Month 3 of 6	12/31/2003	3/31/2004

900122-405C3	Granted	[REDACTED]	[REDACTED]	1 month advance/Tax 3.5	1 month advance/Tax 3.5	10/31/2000	3/31/2004
900122-466P2	NP-Filed	[REDACTED]	[REDACTED]	PARENT Bar Date - Filings	2 wk adv/Filing Due	4/14/2003	3/31/2004
910152-401P1	Pending	[REDACTED]	[REDACTED]	Bar Date - File Application from Provisional	File Regular Application!	3/31/2003	3/31/2004
970054-420USPC	Published	[REDACTED]	[REDACTED]	US-3 Month Office Action	2nd Extension/Month 5 of 6	10/31/2003	3/31/2004



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PATENT APPLICATION INFORMATION RETRIEVAL**PAIR****FAQ****Help****Feedback****Other Links**[E-Business Center Patents](#)[Employee Locator](#)[Class/Subclass GAI Information](#)[Information Contacts](#)**Image File Wrapper for Application No.:09/551,973**

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10/03/2002	Miscellaneous Incoming Letter	PROSECUTION	1	
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 12/31/2003

CHARLES N.J. RUGGIERO, ESQ.
 OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
 ONE LANDMARK SQUARE, 10th FLOOR
 STAMFORD, CT 06901-2682

EXAMINER

EGWIM, KELECHI CHIDI

ART UNIT

PAPER NUMBER

1713

DATE MAILED: 12/31/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/164,811	06/07/2002	Charles E. Pratt	516.0032USX	3300

TITLE OF INVENTION: LATEX MADE WITH CROSSLINKABLE SURFACE ACTIVE AGENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/31/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
 See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL**Complete and send this form, together with applicable fee(s), to:**

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P.O. Box 1450
Alexandria, Virginia 22313-1450

or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 12/31/2003

CHARLES N.J. RUGGIERO, ESQ
 OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
 ONE LANDMARK SQUARE, 10th FLOOR
 STAMFORD, CT 06901-2682

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/164,811	06/07/2002	Charles E. Pratt	516.0032USX	3300

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/31/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
EGWIM, KELECHI CHIDI	1713	524-238000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
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A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)
<p>NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.</p> <p>This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.</p> <p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p>	

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/164,811	06/07/2002	Charles E. Pratt	516.0032USX	3300
7590	12/31/2003		EXAMINER	
CHARLES N.J. RUGGIERO, ESQ OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P. ONE LANDMARK SQUARE, 10th FLOOR STAMFORD, CT 06901-2682			EGWIM, KELECHI CHIDI	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 12/31/2003

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability	Application No.	Applicant(s)	MAC
	09/551,973	WESTFIELD, BARBARA	
	Examiner	Art Unit	
	Drew E Becker	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed September 15, 2003.
2. The allowed claim(s) is/are 1-3, 5-8, 10, 16 and 18-22.
3. The drawings filed on 14 April 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) The translation of the foreign language provisional application has been received.
6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. DÉPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

<input type="checkbox"/> Notice of References Cited (PTO-892)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
<input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____.	<input checked="" type="checkbox"/> Examiner's Amendment/Comment
<input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	<input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	<input type="checkbox"/> Other

Drew E Becker
Primary Examiner
Art Unit: 1761

Application/Control Number: 09/551,973
Art Unit: 1761

Page 2

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harold H. Bennett II on December 17, 2003.

The application has been amended as follows:

Cancel claims 9 and 17.

Claim 6, line 6 after "member;" insert -- a coupling member positioned in a bottom region of the baking chamber and configured to engage the base member;--.

Allowable Subject Matter

2. Claims 1-3, 5-8, 10-16, and 18-22 are allowed.

3. The following is an examiner's statement of reasons for allowance: the baking rack assembly for an automatic bread making machine of independent claims 1 and 18, the automatic bread making machines of independent claims 6 and 11, and the method of baking dough of independent claim 16 define over the prior art of record since the prior art does not teach, suggest, nor render obvious a base member which engages a coupling device in the baking chamber.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Application/Control Number: 09/551,973
Art Unit: 1761

Page 3

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Monday-Thursday 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.


Drew E Becker
Primary Examiner
Art Unit 1761